

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

JUAN DIEGO FERRER RODRIGUEZ PETITIONER  
V. CIVIL ACTION NO. 5:19-cv-117-DCB-MTP  
SHAWN GILLIS RESPONDENT

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on Magistrate Judge Michael T. Parker's Report and Recommendation [ECF No. 10], to which no objections have been filed. Having carefully reviewed the same, the Court finds the Report and Recommendation to be well taken and hereby adopts it as the findings and conclusion of this Court.

On November 12, 2019, Petitioner sought a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, asserting that he had been detained in immigration custody in excess of six months, and wished to be released. [ECF No. 1]. On February 24, 2020, Respondent filed a Motion to Dismiss arguing the Petitioner's claim should be dismissed as moot because the Petitioner was released from immigration custody under an order of supervision on February 20, 2020. [ECF No. 9]. Notably, the Petitioner failed to respond to the Respondent's motion to dismiss as moot.

As the Petitioner has been granted the relief he sought in his Petition, the Petition is now moot. See Sanchez v. Attorney

General, 146 Fed. App'x 547, 549 (3rd Cir. 2005) (holding that release of an alien from immigration custody rendered his habeas petition moot); Egoroff v. Clark, 2010 WL 4056065, at \*3 (W.D. Wash. Aug. 26, 2010) ("Because petitioner has received the relief sought in his habeas petition—a bond hearing which resulted in his being granted release under bond in the amount of \$30,000 — his petition is now moot and should be dismissed."). The Petition no longer presents a live case or controversy for purposes of satisfying Article III, Section 2 of the United States Constitution. Therefore, it is dismissed as moot.

Accordingly,

IT IS HEREBY ORDERED AND ADJUDGED that Magistrate Judge Parker's Report and Recommendation [ECF No. 10] is ADOPTED as the findings and conclusion of this Court. It is further ordered THAT THE MOTION TO DISMISS IS GRANTED [ECF No. 9] and that THE PETITION FOR WRIT OF HABEAS CORPUS [ECF NO. 11] IS DISMISSED with prejudice. A final judgment shall be entered of even date herewith pursuant to Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this the 10th day of June, 2020.

/s/ David Bramlette

UNITED STATES DISTRICT JUDGE